

REMARKS/ARGUMENTS

The Office Action mailed March 8, 2005 has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

The specification has been amended to correct minor editorial and grammar matters. No new matter has been added.

Claims 1-5, 7, and 13 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention and/or to correct minor editorial matters. Support for these changes may be found in the specification, page 8, lines 28-31 through page 9, lines 1-3. The text of claims 6-16 is unchanged, but their meaning is changed because they depend from amended claims. No new matter has been added.

Claims 17, 19, and 20 have been canceled, without prejudice or disclaimer of the subject matter contained therein.

Drawing Objections

The drawings are objected to because the photographs must be replaced by drawings and it is unclear where figures 6A and 6B are taken from.

Formal drawings of Figs. 4 and 5 are attached as replacement sheets.

The specification has been amended to clearly state that figures 6A and 6B illustrate a side view of a removable stud fastener.

Thus, it is respectfully requested that this objection be withdrawn.

The First 35 U.S.C. § 102 Rejection

Claims 1-3, 12, 17, 19, and 20 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by DeMichele (USP 6,330,944). Claims 1, 17, 19, and 20 are independent claims of which Claims 17, 19, and 20 have been cancelled without prejudice. This rejection is respectfully traversed.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (e) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.¹

The office action states that “DeMichele teaches a modular golf club and golf accessory bag comprising a chassis, at portion 20, at least one pocket 74, a shoulder strap system (154 – Fig. 23), having closed bottom and open top, and the bag is disposed on the exterior of the bag as claimed.” Applicant respectfully disagrees.

A. Claim 1

Amended Claim 1 provides for:

“at least one attachment facility permanently affixed to an exterior of the chassis along its longitudinal symmetry axis, said at least one attachment facility having a plurality of fastening members along a periphery of the attachment facility”.

DeMichele does not teach or disclose the use of at least one attachment facility permanently

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

affixed to the exterior of the chassis along its longitudinal symmetry axis. Therefore, DeMichele does not teach each and every element as set forth in Claim 1 and does not anticipate the claimed invention.

B. Dependent Claims

As to dependent claims 2-3 and 12, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Accordingly, it is respectfully requested that this rejection be withdrawn.

The Second 35 U.S.C. § 102 Rejection

Claims 1-3, 12-17, 19, and 20 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Brown (USP 4,350,194). Claims 1, 17, 19, and 20 are independent claims of which Claims 17, 19, and 20 have been cancelled without prejudice. This rejection is respectfully traversed.

The Office Action states that “Brown teaches a modular golf club and golf accessory bag comprising a chassis, at least one pocket 74, a shoulder strap system (col. 8, line 55), having closed bottom and open top, and the bag is disposed on the exterior of the bag as claimed.” Applicant respectfully disagrees.

A. Claim 1

Brown does not teach or disclose the use of “least one attachment facility permanently affixed to an exterior of the chassis along its longitudinal symmetry axis, said at least one attachment facility having a plurality of fastening members along a periphery of the attachment

facility” and provided for in Claim 1. Thus, Brown does not teach each and every element as set forth in Claim 1 and does not anticipate the claimed invention.

B. Dependent Claims

As to dependent claims 2-3 and 12-16, the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Accordingly, it is respectfully requested that this rejection be withdrawn.

The Third 35 U.S.C. § 102 Rejection

Claims 17-20 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Nelson (USP 5,632,496). Claims 17-20 are independent claims of which Claims 17, 19, and 20 have been cancelled without prejudice. This rejection is respectfully traversed.

The Office Action states that “Nelson teaches a kit of golf bag component with a plurality of pockets having exterior surfaces at portion 200 with indicia”. Applicant respectfully disagrees.

Claim 18 provides for “a plurality of **pockets** having exterior surfaces with indicia to reflect a particular theme or event.” On the other hand, Nelson teaches the use of an **insert** having indicia and not a **pocket** with indicia. Nelson states that “a surface of one of the bag components can be conveniently personalized by the insertion of insert 200” whereby the insert would be inserted “beneath the free edges of the flap 202 and securing the fastener components 210 and 212.” (Col. 6, lines 37-38, 66-67). Thus, Nelson does not teach each and every element as set forth in Claim 18 and does not anticipate the claimed invention.

Accordingly, it is respectfully requested that this rejection be withdrawn.

The Fourth 35 U.S.C. § 102 Rejection

Claims 17, 19, and 20 were rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Setani (USP 4,249,586). Claims 17, 19, and 20 were cancelled without prejudice. Accordingly, it is respectfully requested that this rejection be withdrawn.

The First 35 U.S.C. § 103 Rejection

Claims 4-7, 10, and 11 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brown in view of Izzo (5,038,984). Claims 4-7 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brown in view of either Maeng (6,131,783) or Barney (6,006,974). Claims 8-9 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Brown in view of Chen (6,227,503). These rejections are respectfully traversed.

Dependent Claims 4-11 depend from Claim 1. The base claims being allowable, the dependent claims must also be allowable. It is respectfully requested that this rejection be withdrawn.

The Second 35 U.S.C. § 103 Rejection

Claim 18 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over anyone of DeMichele, Brown, or Setani in view of Nelson. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.²

Specifically, the Office Action states that “Nelson teaches that it is known in the art to provide indicia at portion 200A. It would have been obvious to one of ordinary skill in the art to provide indicia to anyone of DeMichele, Brown, or Setani as taught by Nelson to advertise the event/product easily.” The Applicants respectfully disagree for the reasons set forth below.

As stated above, Claim 18 provides for “a plurality of **pockets** having exterior surfaces with indicia to reflect a particular theme or event.” On the other hand, Nelson teaches the use of an **insert** having indicia and not a **pocket** with indicia. Therefore, Nelson does not teach all the claim limitations as set forth in Claim 18. Thus, the claimed invention is not obvious over Nelson.

Accordingly, it is respectfully requested that this rejection be withdrawn.

The Third 35 U.S.C. § 103 Rejection

Claims 1-3 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Setani in view of Brown. Claim 1 is an independent claim. This rejection is respectfully traversed.

² M.P.E.P § 2143.

Specifically, the Office Action contends that the elements of the presently claimed invention are disclosed in Setani except that Setani does not teach the pockets being removably affixed. The Office Action further contends that it would be obvious to one having ordinary skill in the art to provide removable pockets in Setani as taught by Brown to enable one to organize the contents better. The Applicants respectfully disagree for the reasons set forth below.

A. Claim 1

As stated above, amended Claim 1 provides for “least one attachment facility permanently affixed to an exterior of the chassis along its longitudinal symmetry axis, said at least one attachment facility having a plurality of fastening members along a periphery of the attachment facility”. Neither Setani nor Brown teach or suggest the use of an attachment facility. Thus, the combination of Setani and Brown does not teach all the claim limitations as set forth in Claim 1. Therefore, the claimed invention is not obvious over Setani and Brown.

B. Dependent Claims

As to dependent claims 2-3 the argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable.

Accordingly, it is respectfully requested that this rejection be withdrawn.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

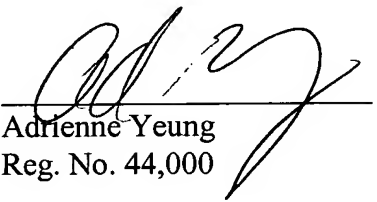
Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: _____

6/8/05



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Amendments to the Drawings:

The attached replacement drawings are formal drawings of FIGS. 4 and 5 as requested by the Examiner. No amendments have been made to FIGS. 4 or 5.

Attachment: Replacement Sheet of Formal Drawings